

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHAWN MARTINEZ,

Plaintiff,

vs

9:06-CV-546

R.J. MINOGUE, Captain; and DONALD SELSKY,
Director, Special Housing Unit,

Defendants.

APPEARANCES:

SHAWN MARTINEZ
Plaintiff, Pro Se
904 N. Hastings Street
Orlando, FL 32808

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

DAVID FRUCHTER, ESQ.
Assistant Attorney General

DECISION and ORDER

Plaintiff, Shawn Martinez, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 31, 2008, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendants' motion for summary judgment (Docket No. 31) be granted, and the plaintiff's complaint be dismissed in all respects. The plaintiff has not filed any objections to the Report-Recommendation.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

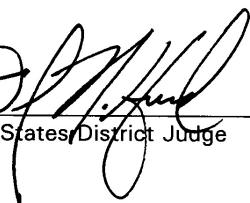
Accordingly, it is

ORDERED that

1. Defendants; motion for summary judgment is GRANTED;
2. The plaintiff's complaint is DISMISSED in all respects.
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: September 11, 2008
Utica, New York.



United States District Judge